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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,479	11/01/2001	Fabrice Vitry	283-01	1380

7590                    02/11/2003

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EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/001,479	VITRY ET AL.	
	Examiner Dinesh N Melwani	Art Unit 3677	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>24 January 2003</u> .			
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
<b>Disposition of Claims</b>			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-6</u> is/are pending in the application.			
4a) Of the above claim(s) <u>2 and 4-6</u> is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1 and 3</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
<b>Application Papers</b>			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>25 March 2002</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
<b>Attachment(s)</b>			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .		6) <input type="checkbox"/> Other: _____	

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species 1/2 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that Species 2 is not patentably distinct from Species 1 in that the applicant considers Species 2 to be a "sub-species" of Species 1. This is not found persuasive because the examiner agrees with the applicant's statements (page 2 of the Election Response) that "Species 2 differs from species 1 by having the identically shaped housing portion, which houses the solenoid, to be rotated 90 degrees...". Therefore the examiner asserts that the requirement is still deemed proper and is therefore made FINAL. Consequently, claims 2 and 4-6 have been withdrawn from further consideration as being drawn to nonelected species.

Furthermore, the examiner reminds the applicant that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

### ***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 6/13/02 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Acknowledgement is made of applicant's submission of:

Extension Of Time filed on 05/22/02

Declaration filed on 05/22/02

The aforementioned items have been noted and officially inserted into the application.

***Specification***

4. The disclosure is objected to because of the following informalities: because the reference character "1150" has been used to designate both the catch beam and catch bar; see page 28, line 21 (catch beam) and page 29, line 21 (catch bar). Furthermore, Page 28, line 23 contains a typographical error. The examiner suggests replacing "11102" with --1102--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoemaker (U.S. Patent No. 6,027,148). Shoemaker discloses a latch assembly as claimed; wherein said assembly comprises a housing (214) having a hook-like member (see A in Fig. 16), a pawl (266) pivotally attached to the housing and being movable between a closed or engaged configuration and an open or disengaged configuration, the pawl being provided with a torsion spring (284) that biases the pawl toward the open or disengaged configuration; a solenoid (312) supported by the housing; and a locking member (262) actuated by said solenoid, the locking member being movable between extended and retracted (see Fig. 15) position, wherein when the pawl impacts the keeper (212) during closing of the first and second members together, the pawl is moved to the closed configuration, a lug (282) projecting from the pawl being engaged by the locking member to retain the pawl in the closed configuration, and wherein retracting the locking member by energizing the solenoid, allows the pawl to rotate under the spring bias to the open configuration to thereby allow the latch to be disengaged from the keeper. As it concerns claim 3, Shoemaker's pawl, as shown in Figs. 15 and 16, is arranged perpendicular with said housing.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Silye (U.S. Patent No. 5,498,040), Kawaguchi *et al.* (U.S. Patent No. 5,429,400), Newmayer (U.S. Patent No. 4,684,167), Yoshizawa (U.S. Patent No. 5,887,466), Weyerstall (U.S. Patent No. 6,050,117), Yoshikawa (U.S. Patent No. 6,059,327), Dozois (U.S. Patent No. 3,713,472), Price *et al.* (U.S. Patent No. 5,630,630), Antonucci *et al.* (U.S. Patent No.

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5,927,772), and Szablewski (U.S. Patent No. 6,505,867) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM  
February 4, 2003

*J. J. Swann*  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600